



**APRIL 2004**  
**FIRESTORM 2003 POLICY DOCUMENT**

*Answers to Commonly Asked Questions*

The County of San Diego understands the confusion and frustration many of our customers are experiencing during the rebuild process. In an effort to clarify the process, the County has developed the following question and answer document for a few of the more common questions that fire victims are asking. Please keep in mind that everything reasonable will be done by the County to allow fire victims to rebuild and special cases that do not fit into the requirements below may be considered on a case-by-case basis. Also, please note that this document will be periodically updated to address new issues and/or refine our position on existing issues.

**A. IMPORTANT NUMBERS**

1. If someone's home has been destroyed, where can they get information about rebuilding?

- *The County has established a hotline number for emergency fire questions. The hotline number is 1-866-402-6044 or 1-858-495-5494. Staff will be answering these numbers and will make themselves readily available for any fire related calls.*
- *For general rebuild questions, the public can call the Department of Planning and Land Use (DPLU) San Marcos office at (760) 471-0730, the El Cajon office at (619) 441-4030, the Ruffin Road office at (858) 565-5920, or the toll free number (888) 336-7553.*
- *For information on septic systems requirements, please contact the Department of Environmental Health Ruffin Office at (858) 694-5173, San Marcos office at (760) 471-0370, or the El Cajon office at (619) 441-4030.*
- *For information on stormwater, flooding or road easements, please contact the Department of Public Works at the Ruffin Road office at (888) 846-0800.*
- *If someone is planning to rebuild, they may also want to read the DPLU brochure title "How to Obtain a Building Permit" and "Helpful Hints Before You Start Drawing Plans." Both documents can be found on our website at [www.sdcdplu.org](http://www.sdcdplu.org) and <http://www.sdcountry.ca.gov/dplu/docs/firestorm2.pdf>, respectively.*



2. Where can the public find out more information about fire prevention?

- *The County Department of Planning and Land Use has informational brochures on fire resistive landscaping, creating defensible space, building a fire resistive home, and installing water storage tanks. Much of this information can be found on the DPLU web site. [http://www.co.san-diego.ca.us/cnty/cntydepts/landuse/fire\\_resistant.html](http://www.co.san-diego.ca.us/cnty/cntydepts/landuse/fire_resistant.html)*
- *The DPLU phone number for fire prevention is (858) 565-5920 or (888) 336-7553.*

## **B. FEE WAIVERS**

1. Who is eligible for the fee waiver?

*On October 28, 2003, the Board of Supervisors formally declared the area damaged by the Cedar, Paradise, Otay/Dulzura and the Roblar II fires of October 2003 eligible for building plan check and permit fee waivers. There has been no expiration date placed on this fee waiver.*

*However, the waiver only applies to property owners who were victims of Firestorm 2003. New property owners wishing to rebuild in the burn areas shall be required to pay the full cost for permits and plan checks. Refer to section E for additional restrictions for new property owners.*

*Furthermore, the waiver shall not apply to a structure rebuilt after being damaged or destroyed by the wildfire without building permits and which has been cited as being in violation of building codes.*

2. What is eligible for fee waivers?



*Building permit fees shall be waived for a fire victim who is rebuilding structures that have been damaged or destroyed by the wildfire. The fee waiver shall not apply to any portion of the new structure that exceeds the square footage of the structure being replaced (e.g. a 1,000 SF home was burned and the fire victim wishes to rebuild a 1,500SF dwelling. The additional 500SF is subject to fees). Refer to C.6 for answers on how the eligible square footage is determined.*

3. If I am rebuilding a home that was destroyed by the fire, am I required to pay school and park fees when I obtain a building permit?

*No. The County has discussed this issue with the school districts and the Parks Department and both agreed that fees would not be charged to rebuild what was lost. The property owner will, however, need to pay the difference in floor area if the replacement structure is larger than what existed before the fire. You will need to contact the school district in your area for the fee policies for the additional square footage.*

## **C. REBUILDING**

1. Is a Demolition Permit required to remove a building that was damaged or destroyed by the fire?

*No. The County will waive the requirement for a demolition permit. However, do not start any clean up in the unincorporated area of the county until a County Damage Assessment Team has cleared you. You could jeopardize your FEMA or insurance claims. To check on your assessment, please call (866) 402-6044. For your safety please check with SDG&E to be sure all utilities have been properly shut off before beginning demolition and clean up.*

2. When a home is rebuilt, must it be built in compliance with current building codes?

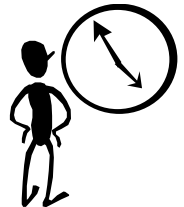
*Yes, the buildings must be constructed according to current codes in effect at the time the permit is issued for the reconstruction.*

3. Can someone live in a trailer on their property while they are rebuilding a home that was destroyed by fire?

*Yes, provided the County has issued an Emergency Temporary Occupancy Permit (ETOP) for the trailer. The County will not charge a fee for this permit when someone's home has been destroyed by the firestorm. In order to obtain an ETOP permit, the customer must provide a completed permit application including Assessor Parcel Number. ETOP trailers must connect sewage drain lines to the existing septic system or a holding tank with frequent pump service.*

4. When will the Temporary Occupancy Permits expire?

*Emergency Temporary Occupancy Permits (ETOP) that were issued to fire victims during the early stages of Firestorm 2003 shall expire 12 months from the date of the incident (October 26<sup>th</sup>). The County is willing to convert the ETOPs to a "construction" TOP and extend the expiration date for a period not to exceed three years, so long as building permits for the reconstruction of the single-family dwelling are maintained and kept current throughout construction.*



5. How long do I have to rebuild my permanent residence?

*There is no timeline on when you have to rebuild. However, once issued, building permits are valid for three years, so long as progress is being made on construction and regular inspections (one every six months, minimum) are being scheduled and conducted by a County of San Diego Building Inspector. Also, keep in mind that the Emergency Temporary Occupancy Permits (ETOP) that were issued for temporary shelter and electricity will expire within one year of the event date. Please refer to B.4 for more on ETOPs.*

6. How is the County determining the amount of square footage that was on my property?

*When determining square footage, County Staff is referring to three sources of data: Data Quick, Assessor data, and Damage Assessment Team information. However, the County will consider the square footages in other formal documents such as insurance papers or old building plans on a case-by-case basis.*

7. Can a house be re-built on a fire-damaged foundation?

*Applicants who wish to use the existing foundation systems must have a "suitability analysis" of the existing foundation performed by a registered civil or structural engineer. This analysis shall state that the engineer has visited the site and investigated the condition of the existing building elements. It shall also state that the remaining foundation is suitable for the support of the new structure, and that all under-slab utility systems (such as drain, waste, vent, water, mechanical, electrical, etc.) are suitable for continued use. Electrical conduits may remain but all underslab electrical conductors must be replaced.*



*Applicants who choose to demolish the slab/foundation system will need to provide a compaction report to address re-compaction of the lot after slab removal if soil was disturbed to a depth greater than 12 inches. A licensed geotechnical or civil engineer must prepare the compaction report.*

8. Once I have prepared plans, how do I submit for a building permit?

*If you are submitting plans for the first time, drive to the Kearney Mesa office located at 5201 Riffin Road, Suite B. Upon arrival, walk to the Center Island and inform the clerk that you are a fire victim, or represent one, and you wish to submit plans. You will be given a Stream Line Form for Fire Rebuilds, building application and instruction letter on how to proceed with your submittal.*

9. Does the County of San Diego keep home plans on file for existing homes?

*Typically, the County does not keep plans for residential buildings on file. However, the county may have plans if the dwelling passed final inspection within the last 90 days or is part of a developer-built subdivision.*

**D. LEGAL, ILLEGAL AND NONCONFORMING STRUCTURES/USES**

1. Can I rebuild a nonconforming structure (a structure that was lawfully built, but because of changes in the zoning ordinance, is no longer permitted)?

*Yes, so long as you are not expanding the nonconforming structure and you can prove that the structure existed prior to the fire. Refer to C.6 for answers on how the eligible square footage is determined. Once rebuilt, the structure will retain its "nonconforming structure" status. However, it is in the homeowner's best interest to attempt to minimize the non-conformity by modifying the structure or its location to comply with current codes to the maximum extent practical.*

2. What if a structure was legally built, but the use was converted illegally (i.e., a residential dwelling in a residential zone that was converted into commercial office space?) - Will a Building Permit be issued to reestablish the converted business?

*No. A building permit will be issued only for the legal or nonconforming structure, it does not authorize illegal use. In the example above, a building permit will be issued for a residential dwelling, but not for the illegal commercial conversion.*

3. What if there were three or more houses on one parcel prior to the fire, when only two are allowed by code. Will the County issue a building permit for more than two houses?



*No. The use for which a building permit is sought must be either permitted by current Zoning Ordinance requirements, or must be shown to be a "legal nonconforming" structure on the property.*

4. In Crest, where there are numerous lots with two dwelling units on them that are now nonconforming, will Building permits be issued?

*Yes, for these legal nonconforming dwellings.*

## **E. SETBACKS/LOT LINES/EASEMENTS**

1. In cases like Harrison Park and Crest where structures cannot meet current setback requirements due to lot sizes or topography, will the County still issue building permits?

*Yes, but the structures must meet setbacks to the greatest extent practical.*

2. Will the County require evidence of a legal lot prior to issuance of a new building permit?

*Yes. Be aware that one legal lot may have several Assessor Parcel Numbers (APNs), and that APNs do not establish legal lot status. Therefore, the legal lot lines must be established prior to issuance of Building Permits.*

3. Is a Certificate of Compliance (COC) required to merge two lots if the septic system for a residence is located on a separate legal parcel?

*Yes. The Certificate of Compliance must be issued prior to approval of the building permit.*

4. Must fire clearing and access width requirements be met for all rebuilds per review of Fire Marshall having jurisdiction?

*Yes.*

5. Can I rebuild a structure within a public or private road easement?

*No. All structures must be located outside of all road right-of-ways, regardless whether the structure was located within the easement prior to the fire.*

7. Will building permits be issued for structures in a Floodway or Floodplain?

*Regarding Floodways (that area necessary to pass to 100-year flood), No. This is a health and safety issue and all structures must be located outside of the floodway. Regarding Floodplains (that area located on either side of the floodway that is subject to inundation by the 100-year flood), Yes. Habitable structures in the floodplain must conform to the flood control ordinance and have a building pad elevated above the 100-year flood level.*



## **F. OWNERSHIP TRANSFER (FIRE VICTIMS WHO DECIDE TO SELL THEIR PROPERTY BEFORE REBUILDING)**

1. Is the new owner required to meet all zoning requirements, including setbacks?

*Yes, unless it is the replacement of a "legal nonconforming" structure.*

## **G. SEPTIC ISSUES**

1. If my home is on a septic system may I using the existing septic system?

- Yes, the County will waive fees for fire re-builds, located on the same foundation, and with the same number of bedrooms as the destroyed structure. If the new building will be located significantly outside the original foundation footprint and/or with additional bedrooms or plumbing the Department of Environmental Health (DEH) will need to review the project and DEH fees may apply.
- Harrison Park re-builds will be case-by-case and should be discussed with DEH staff first.

2. If my home is on a well do I need to have the well tested?

*Testing is not required. However, if the well was opened or disturbed in any way DEH strongly suggests that owners of buildings served by individual water wells, have the well tested for potability prior to re-occupancy of the permanent dwelling.*

## **H. CLEARING REQUIREMENTS**

1. What clearing is allowed by the County for fire prevention purposes around existing buildings?

*The County allows 100 feet of clearing around existing dwelling units. The cleared area should be landscaped with fire resistant plants. Any additional clearing for fire prevention, control or suppression purposes can be done when authorized or required in writing by a fire prevention or suppression agency.*



2. Are any permits required to clear up to 100 feet away from an existing residence?

*No. Clearing for fire protection purposes can be done within 100-feet of existing dwelling units without a permit.*

3. If a building permit has been issued for a proposed building, is an additional Clearing Permit required to clear?

*No. Clearing and grading, which are exempt from a grading permit (if less than 200 cubic yards and cut, and fill less than 8 feet), DO NOT require an additional County Clearing Permit provided they are incidental to the repair, alteration, or construction of a proposed structure with an approved building permit. The building permit authorizes the construction to begin and that includes clearing the building site. However, property owners must use caution regarding what is cleared and how the clearing is done. All disturbed earth will be required to have erosion control measures installed in accordance with County stormwater pollution prevention standards.*

4. Who is responsible for clearing the brush from around buildings?

*The property owner.*

5. Who enforces the regulations regarding clearance of brush from around buildings?

*The Fire Agencies enforce weed abatement programs that require clearing of flammable vegetation from around buildings. The County's Weed Abatement Ordinance applies to unincorporated areas that are not covered by a fire protection district and enforced by the California Department of Forestry (CDF).*

**I. OTHER CODES/ORDINANCES**

1. Do new building permits for structures have to meet fire code and septic system requirements?

Yes.



2. Is a grading permit exempt from environmental review?

*Not automatically. Since grading permits are not ministerial, they do not enjoy that exemption from CEQA. Another exemption may apply, but this needs to be evaluated case-by-case. Also, for related requirements, call the ENVIRONMENTAL HOTLINE at 619-894-3694.*